

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 21, 1860.—Ordered to be printed.

Mr. BRAGG submitted following

REPORT.

The Committee on Claims, to whom was referred the memorial of Charles M. Perry, have had the same under consideration, and submit the following report:

The memorialist states that he was appointed a messenger in the office of the Treasurer of the United States on the 28th of September, 1853, at a salary of \$700 per annum, afterwards increased to \$840, to take effect from the date of his appointment; that from the date of his appointment to the 1st day of January, 1857, he performed no duties as messenger, but that he was employed in the office as a copying clerk, and for which he claims pay as a first class clerk, and that, deducting the pay he received as messenger, there would remain the sum of \$1,172 94, for payment of which he asks that Congress may make provision.

A number of letters from officers in the treasury office are filed with the memorial to substantiate the claim; among others, one from Wm. B. Randolph, chief clerk, bearing date the 29th November, 1855, in which he states: "You know that for some time before your appointment, and subsequently, the proper duties of messenger were and have been performed by two persons employed as laborers, the former messenger having, since 1846, been engaged in the money-room exclusively, and you were not required to take his position in that room."

No explanation or reason is given for this arrangement.

A copy of a letter from Samuel Casey, Treasurer of the United States, to the Hon. James Guthrie, Secretary of the Treasury, is also filed, asking that Mr. Perry may be allowed such sum out of the contingent fund of the department as in justice ought to be paid to him. It states, among other things, that "as Mr. Perry had no practice in the duties of messenger, and was willing to do any duty in the office he could, he was employed in making out and transcribing the books of the accounts in the office."

What Mr. Guthrie's reply was to this application does not appear; his answer to Mr. Casey's letter, if any was given, not being filed. The committee, however, take it for granted that he refused the application.

An examination of the official register shows that Mr. Perry now holds a second class clerkship in the Treasurer's office; and although

the committee are uninformed as to the date of his promotion, they suppose it was when he states that he ceased to discharge the duties for which he now asks compensation.

Upon the whole, the committee are satisfied that the arrangement as to Mr. Perry's taking the place of messenger, the duties of which were discharged by others, was made with his consent and for his benefit, and, so far as appears, without the sanction of the head of the department—without whose consent, and that only during a session of Congress, unless when indispensably necessary to answer some call made by either house of Congress at one session, to be answered at another, no extra clerk could legally be appointed in any department, bureau, or office. (See vol. 5, Stat. at Large, p. 525, § 15.)

That act, together with others of like character, was passed by Congress to prevent abuses. The policy which prompted such legislation ought not, in the opinion of the committee, to be disregarded, unless for very strong reasons. In their opinion, this case furnishes no such reasons. They therefore report the accompanying resolution, denying the prayer of the memorialist, and recommend its adoption by the Senate.

Resolved, That the claim of Charles M. Perry for \$1,172 94, for clerical duties alleged to have been performed by him in the office of Treasurer of the United States, from the 28th September, 1853, to the 1st January, 1857, while holding the place of messenger therein, be, and the same is hereby, rejected.